

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ROBERT WILLIAMS, #167195

PETITIONER

v.

CIVIL ACTION NO. 1:15-cv-267-HSO-JCG

JODY BRADLEY, *Warden*

RESPONDENT

**ORDER ADOPTING REPORT AND RECOMMENDATION [17],
GRANTING RESPONDENT'S MOTION [12] TO DISMISS,
AND DISMISSING PETITION [1] WITH PREJUDICE**

This matter is before the Court on the Report and Recommendation [17] of United States Magistrate Judge John C. Gargiulo, entered on July 25, 2016, recommending that the Court grant Respondent Jody Bradley's ("Respondent") Motion [12] to Dismiss, and dismiss with prejudice the Petition for Writ of Habeas Corpus [1] filed by Petitioner Robert Williams ("Petitioner") because Petitioner's claims are barred by the one-year statute of limitations found in the Antiterrorism and Effective Death Penalty Act of 1996 (the "AEDPA"), 28 U.S.C. § 2244(d), and because Petitioner failed to exhaust available remedies in State court. An acknowledgment of Petitioner's receipt of the Report and Recommendation was filed into the record on July 29, 2016. Petitioner has not filed any objection to the Report and Recommendation, and the time for doing so has passed.

Where a party fails to file specific objections to a magistrate's proposed findings of fact and recommendation, the district court reviews the proposed findings of fact and recommendation for findings and conclusions that are clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1); *see United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Having conducted the appropriate review, the

Court finds that the Magistrate Judge properly recommended that the Court grant Respondent's Motion [12] to Dismiss and dismiss the Petition [1] on grounds that Petitioner's habeas claims are barred by the AEDPA's one-year statute of limitations, and that Petitioner failed to exhaust available remedies in State court. After referral of hearing by this Court, with no objections having been filed as to the Report and Recommendation [17], and the Court, having fully reviewed the same as well as the record and relevant law in this matter, and being fully advised in the premises, finds that the Report and Recommendation is neither clearly erroneous nor contrary to law and should be adopted in its entirety as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [17] of Magistrate Judge John C. Gargiulo, entered on July 25, 2016, is adopted in its entirety as the opinion of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Respondent Jody Bradley's Motion [12] to Dismiss is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Petition for Writ of Habeas Corpus [1] filed by Petitioner Robert Williams is **DISMISSED WITH PREJUDICE**. A separate final judgment will be entered pursuant to Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 23rd day of August, 2016.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE